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P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

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DEC 05 2007

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPIWillie HandyUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**FILED**

DEC 05 2007

DAVID CREWS, CLERK
By Jeanne Bentz
Deputy

v.

Plaintiff

CASE NO.

4:07cv201-P-DChristopher Epps

Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:
 - A. Legal name: Willie Lee Handy
 - B. Name under which sentenced: Willie Handy
 - C. Inmate identification number: 66768
 - D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):
Parchman, Ms 38738 P.O. Box 1057
 - E. Place of confinement: PARCHMAN, Ms 38738
Unit 32. A - BLDs Parchman, Ms

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name: Christopher EppsTitle (Superintendent, Sheriff, etc.): CommissionerDefendant's mailing address (street or post office box number, city, state, ZIP):
723 President St.
Jackson, Ms 39202

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

Lawrence Kelly

Superintendent

P. O. Box 1057

Parchman, Ms. 38738

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

Kronne Battle

Captain

P. O. Box 1057

Parchman, Ms. 38738

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

C/o De Angelo, C/o Carter,
C/o Johnson, C/o Mazcs

Unknown

But can be Reach at Parchman

(If additional Defendants are named, provide on separates sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? Yes No
4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

N/A

Defendant(s):

B. Court:

C. Docket No.:

D. Judge's Name:

E. Date suit filed:

F. Date decided:

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? Yes No
6. If "Yes," did you present to the grievance system the **same facts and issues** you allege in this complaint? (See question 9, below). Yes No
7. If you checked "Yes" in Question 6, answer the following questions:

- A. Does the grievance system place a limit on the time within which a grievance must be presented? Yes No
- B. If you answered "Yes," did you file or present your grievance within the time limit allowed? Yes No
- C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

On July 16, 2007 I caused to be mailed through the Inmate Legal Assistance Program Claims Adjudicator an A.R.P. to the legal Claims setting out specific facts, and details of the incident.

- D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

The First Step Response which came from Captain Yvonne Battle is at Exhibit -A

The Second Step Response which came from Super Intendant Lawrence Kelly is at Exhibit -B

The Third Step Response Christopher Epps failed to respond in the time prescribed in S.O.P. Grievance which is 40 days, and I still have not receive a response.

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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9. Write below, as briefly as possible, the **facts** of your case. Describe how **each** Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

On July 6, 2007 around 12:30 I, Willie Hardy was being escorted off of the yard call by C/o Carter and C/o Mares which both escorted me to the yard and off the yard, No less than three minutes later they put inmate Terrandance Dobbins inside my original cell 94, Then came in got me to go inside my cell while inmate Terrandance Dobbins was waiting for me inside my own cell 94 with a home made knife, which he stab me four times while I was in handcuff and shackle C/o De Angelo came off the yard to restraint the situation, while the other officers C/o Mares and C/o Carter stood in shock, Tower Officer C/o Johnson knew what cell Terrandance Dobbins belonged to and She was suppose to write down who's leave and come in and out a cell, This situation to me look clearly like a set up within the Administrated staff and I am seeking Justice, and compensatory for my pain and sufferen

of this whole situation, which could have been avoided if I was protected.

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I am requesting the video tape, And I am pressing charge on Terrance Dobbins and the officers that are responsible for my injuries to be fired And \$300,000 for compensatory damages, and \$500,000 in punitive damages cause I could have been killed, And I ask to leave Parchman ground cause my life is still in danger & fear, I am mentally distress at Parchman Ms.

This Complaint was executed at (location):

M.D.O.C. Parchman, Ms.

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

12/1/07

Willie Hardy

Plaintiff's Signature

MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER MSP - 07 - 2192

FIRST STEP RESPONSE FORM

EXHIBIT - A

Type or use ball point pen. You must return your response to the Legal Claims Adjudicator within 10 days of the date the request was initiated.

TO: Willie Handy #66768

Offender's Name and Number

32-C

Housing Unit

FROM: Yvonne Battle

Person to whom 1st Step is Directed

Per-Cncl 32charlie

Title/Location

Offender Willie Handy #66768 on this said date you
 was assaulted this incident is still being investigated.
 When this investigation is completed disciplinary
 action will be taken.

August 10, 2007

Date

Yvonne Battle

Signature

If you are not satisfied with this response, you may go to STEP 2 by filling out the second step section of Form ARP-1 and sending the pink copies of ARP-1 and ARP-2 to the Superintendent. It must be received in the Superintendent's office within 5 days of the date of this response.

INSTRUCTIONS TO RESPONDENT: Send original along with STEP 3 and STEP 2 copies to the Legal Claims Adjudicator. Keep Respondent's copy. **NOTE:** A copy of all documents referenced in the response must be attached and returned to the Legal Claims Adjudicator.

INSTRUCTIONS TO OFFENDER: This original is for you to keep.

OFFENDER'S ORIGINAL

EXHIBIT - A

MISSISSIPPI DEPARTMENT OF CORRECTIONS

NUMBER MSP - 07 - 2192**SECOND STEP RESPONSE FORM**
(SUPERINTENDENT)*Exhibit - B*

Type or use ball point pen. You must respond to the offender within 25 days of receipt of the offender's request.

TO: <u>WILLIE HANDY #66768</u>	32-C
Offender's Name and Number	Housing Unit
FROM: <u>LAWRENCE KELLY</u>	MSP
Superintendent	Institution

Your request for Administrative Remedy seeking disciplinary actions against staff and monetary damages for an incident in which you were assaulted was received in this office on August 28, 2007, and has been investigated.

The Mississippi Department of Corrections deeply regrets this incident has happened. MDOC will continue to treat any physical or mental needs you may have while you are incarcerated with the Mississippi Department of Corrections. However, you are not entitled to any monetary damages.

This incident is still under investigation. If disciplinary action is warranted, it will be dispensed at the conclusion of the investigation.

I trust your complaint has been satisfied and consider this matter closed.

7/1/07
Date

Lawrence Kelly
Superintendent's Signature

SL

If you are not satisfied with this response, you may go to STEP 3 by filling out the third step section of ARP-1 and sending the light yellow copies of ARP-1, ARP-2, AND ARP-3 to the Commissioner, Mississippi Department of Corrections. These forms must reach his office within 5 days of the date of this response.

INSTRUCTIONS TO SUPERINTENDENT: Send original and STEP 3 copy to the inmate. Keep Superintendent's Copy.

INSTRUCTIONS TO OFFENDER: This original is for you to keep.

OFFENDER'S ORIGINAL

Exhibit - B

NUMBER MSP-07-2192.

OFFENDER'S RELIEF REQUEST FORM

Type or use ball-point pen.

TO: Yvonne Battle
Cpt. Anthony Porter
First Step Respondent

Area II

Location

FROM: Willie Hardy #66768
Offender's Name and Number

32C

Housing Unit

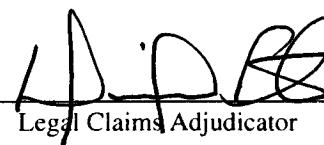
Date of Incident

ACCEPTED. This request comes to you from the Legal Claims Adjudicator. See the attached request from the offender. Please return your response to this office within 10 days of this date.

REJECTED. Your request has been rejected for the following reason(s):

7/31/07

Date



Legal Claims Adjudicator

SECOND STEP (Pink Copies)

On 8/18/07 (date), I received a written response to my First Step request. I am not satisfied with this response because I got stabbed because the staff fail to protect my safety and I am seeking justice and adequate monetary for my injuries and damages along with my pain and suffering

Therefore, I am commencing the Second Step by sending the pink copy of this form (ARP-1), the pink copy of the First Step response (ARP-2), to the Superintendent. This request must reach the Superintendent's office within 5 days of my receiving the First Step response.

8/21/07

Date

Willie Hardy

Signature

THIRD STEP (Light Yellow Copies)

On Sept 20, 2007 (date), I received a written response to my Second Step request. I am not satisfied with this response because officers still placing my life in danger, the investigation have not been did I'm seeking Justice into Court for my pain and suffering

I am commencing the Third Step by sending the light yellow copy of this form and the light yellow copies of my First and Second responses, to the Commissioner. This request must be sent within 5 days of my receiving the Second Step response.

9-20-07

Date

Willie Hardy

Signature

INSTRUCTIONS TO OFFENDER: This original is for you to keep.

OFFENDER'S ORIGINAL